



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,137	10/24/2003	Mesut Gunduc	BEAS-01119US1	1772
23910	7590	12/02/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			GREENE, DANIEL L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,137	Applicant(s) GUNDUC ET AL.	
	Examiner Daniel L. Greene	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 9/8/2005. These drawings are acceptable.

Response to Arguments

2. Applicant's arguments filed 9/8/2005 have been fully considered but they are not persuasive. The Applicant argues that Kampe does not "disclose or suggest that the components can be application servers or that a plurality of plugin can be plugged into a resource interface to provide a mapping between the system's resource management functions and any resource type-specific (i.e. application server-specific) functionality."

Page 12, 2nd para

3. The Examiner disagrees and directs the Applicant to Kampe, for example Col. 6, lines 35-45.

An HA system of the present invention may be comprised of many independent "managed components." Such components may include: (1) hardware "field replaceable units" ("FRUs"), which can be powered on and off, removed, or replaced without affecting the operation of other hardware components and (2) independent software functions ("logical FRUs"), which can be shut-down, restarted, or upgraded without affecting other software in the system.

Components may be "CPU nodes," each of which is running an instance of an operating system. Using "CPU nodes," the present invention enables individual nodes to be rebooted with little or no effect on other nodes. Further, hardware components may be distributed across multiple independent shelves and buses so the failure of a single fan, power-supply, CPU, or even a backplane does not take out the entire cluster or networked computer system.

Components can exist in multiple hierarchical relationships. Such relationships may show physical or non-physical containment. FIG. 3 is a tree diagram depicting an exemplary physical component hierarchy (or physical containment relationships) among hardware components in a networked computer system. A network element 300 includes shelves 301 and 302. The shelf 301 further includes NHSPs 303 and 307, HSPs 305 and 306, and a HSC 304. The components that comprise the shelf 301

Art Unit: 3621

may themselves contain additional components. For example, the HSC 304 includes fans 308 and power supplies 309.

Therefore, Kampe does teach about that the components can be application servers or that a plurality of plugin can be plugged into a resource interface to provide a mapping between the system's resource management functions and any resource type-specific (i.e. application server-specific) functionality."

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-9, 12-20, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe et al., U.S. Patent 6,854,069 [Kampe].**

As per claims 1, 12, and 23-26:

The recitation, " A system/ method for providing a high availability clustering ..., A system/method for providing resource groups in a cluster ..., and A system/method for high availability clustering,..." has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a method, a system, an apparatus, etc. and the portion of the claim following the

preamble is a self-contained description of the method or the system, etc., not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951)

Kampe discloses :

a computer that allows a user or application to access a set of resources of various resource types, including application servers, said resources available at said computer or at another computer; for example Fig. 1, Col. 4-5, lines 55-67 and 1-26 respectively.

a cluster server that operates at said computer and that allows access to said set of resources; for example Col. 8, lines 16-50.

a resource interface provided by said cluster server that allows the cluster server to communicate with said set of resources and a plurality of plugins that are plugged into the resource interface to provide a mapping between the system's resource management functions and any resource type-specific functionality, wherein each one of said plurality of plugins provides access to a pool of resources of a particular resource type, and wherein each pool of resources includes a plurality of resources of that particular type for example Col. 5, lines 35-40, Col 6, lines 35-45.

Kampe discloses the claimed invention except for wherein additional plugins may be included in the resource interface for other resource types. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein additional plugins may be included in the resource interface for other resource types, since it has been held that mere duplication of the essential working parts of a

Art Unit: 3621

device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193

USPQ 8.

and,

wherein the system can be extended by adding additional computers with cluster servers and resource interfaces operating thereon. for example Col. 5, lines 45-60.

As per claims 2 and 13:

Kampe further discloses:

wherein each of said cluster servers includes a heartbeat interface that provides heartbeat information to other cluster servers at said other application servers. for example Col. 13, lines 23-33.

As per claims 3 and 14:

Kampe further discloses:

wherein the system is Java-based. Col. 20, lines 20-63.

As per claims 4 and 15:

Kampe discloses the claimed invention except for wherein the system includes a JNDI interface that provides an interface between the cluster server and a JNDI-compliant database. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein the system includes a JNDI interface that provides an interface between the cluster server and a JNDI-compliant database

Art Unit: 3621

since it is known in the art that specific interfaces require same as specific compliant databases. Further, Kampe teaches the use of different interfaces for external management services **202**. Col. 5, lines 45-55.

As per claims 5 and 16:

Kampe further discloses:

wherein the system includes a cluster administration utility for accessing and administering the cluster server using remote method invocation calls. Col. 20, lines 15-23.

As per claims 6 and 17:

Kampe further discloses:

wherein each resource has a resource type associated with it. Col. 20, lines 15-23.

As per claims 7 and 18:

Kampe further discloses:

wherein resources are the object instances of their respective resource types. Col. 20, lines 15-23.

As per claims 8 and 19:

Kampe further discloses:

wherein a resource is any of a computer, Internet protocol address, disk, database, or file system or application. Col. 20, lines 15-23.

As per claims 9 and 20:

Kampe further discloses:

wherein the cluster server defines resource groups that includes clusters of resources. Col. 9, lines 15-25.

Claim Rejections - 35 USC § 103

3. Claim 10, 11, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kampe as applied to claims 1-9, 12-20, and 23-26 above, and further in view of Wachtel U.S. Patent 6,847,974 B2 [Wachtel] and Burdeau U.S. Patent 6,868,442 B1 [Burdeau].

As per claims 10 and 21:

Kampe discloses the claimed invention except for the wherein the plugins include a WebLogic plugin. However, Kampe does disclose the use of plugins. Col. 5, lines 35-43. Wachtel teaches that it is known in the art to provide wherein the plugins include a

WebLogic plugin. Col. 9, lines 10-26 and Col. 13, lines 1-9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the plug-in components of Kampe with the WebLogic of Wachtel in order to provide the intelligent data assimilation system the ability to design and automate business processes that integrate data provider applications, search services, and human intervention.

As per claims 11 and 22:

Kampe discloses the claimed invention except for the wherein the plugins include a Tuxedo plugin. However, Kampe does disclose the use of plugins. Col. 5, lines 35-43. Burdeau teaches that it is known in the art to provide wherein the plugins include a Tuxedo plugin. Col. 6, lines 40-67 and Col. 7, lines 20-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the plug-in components of Kampe with the Tuxedo of Burdeau in order to provide the intelligent data assimilation system the ability to design and automate business processes that integrate data provider applications, search services, and human intervention.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

Art Unit: 3621

may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

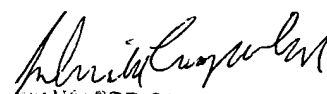
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

3/22/2005


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222